

Civil justice must be for all

By Chief Justice Barbara Madsen and Superior Court Judge Lesley Allan

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The Great Recession of 2011 has dramatically increased the demand for civil justice for the most vulnerable people in our community. The number of people seeking assistance with cases involving family safety, shelter preservation, predatory lending and access to basic services has grown to unprecedented levels. At the same time, legal aid resources have steadily decreased.

But the real story is being played out in the lives of people like “Martha,” an elderly disabled grandmother, living on a small Social Security widow’s pension, whose Medicaid benefits were terminated when she was hospitalized while visiting her children out of state. The termination of her Medicaid benefits left wheel-chair bound Martha unable to buy necessary medicines. Faced with the prospect of foregoing essential medication, Martha could not afford an attorney to challenge the Medicaid termination.

Martha is one of more than 1.5 million Washingtonians living at or near the poverty level who experience critical problems — those involving family conflict, safety, eviction and foreclosure, access to essential health and care services — without the means to secure the advice of a lawyer. These people must look to our state’s civil legal aid system, or navigate the legal system alone.

Represented by a legal aid attorney, Martha’s Medicaid benefits were restored and she can again purchase the medicines she needs. Martha is one of thousands of low-income individuals helped last year through a unique public-private partnership that brings together nonprofit and volunteer private attorneys across the state to give legal information, advice and representation in civil cases affecting the most basic of human needs.

The heart of Washington’s civil legal aid system is the nonprofit Northwest Justice Project. Funded through the Office of Civil Legal Aid, NJP operates a statewide legal aid hotline and maintains small offices in 17 locations throughout the state. In 2011, NJP attorneys provided civil legal assistance to 12,805 eligible, low-income households throughout Washington, including 445 cases benefitting more than 900 people in Chelan, Douglas and Grant Counties on matters including eviction, child support, custody and more.

Funding for the Office of Civil Legal Aid also helps local bar associations, including the Chelan-Douglas County Bar Association’s Volunteer Attorney Services program, recruit the efforts of more than five thousand volunteer attorneys across Washington to address the compelling legal needs of low-income people.

Statewide, private attorneys donated more than 50,000 hours of legal help to eligible clients in 2011, with a market value of well over \$9.5 million. For every dollar of state funding committed to support the work of volunteer attorneys, Washington citizens receive nearly \$10 in direct service.

In Chelan, Douglas and Grant Counties, volunteer attorneys delivered 1,267 hours of free legal assistance with a value of nearly a quarter of a million dollars!

These local attorneys who provide this free advice play a crucial role in our legal system. They help our community members — friends and neighbors — who face critical legal problems find their way to the courthouse and present their side of the story. This assistance ensures that the court has all the information necessary to make good and fair decisions which uphold the law and give real meaning to the promise of “justice for all.”

Yet, despite the work of NJP and the impressive commitment by local bar associations and attorneys, our civil legal aid system stands threadbare and struggles to maintain a meaningful presence in rural communities across the state.

Since 2010, federal support for civil legal aid has been cut by 17 percent. State funding has been cut by nearly \$1.4 million over the past two years. Private funding raised through the Interest on Attorney Trust Account program has dropped by more than \$5 million per year from historical average levels. As a result, NJP has been forced to downsize by 17 percent and entire regions of rural Washington are represented by a single attorney.

The prospect of additional cuts threatens to permanently cripple the system’s ability to maintain access to the justice system for thousands of our state’s poorest and most vulnerable residents. We must not let this happen.

We applaud the Legislature for its past commitments to improving access to services via the Office of Civil Legal Aid, but we must continue to work to ensure we do not move farther behind in providing justice to people like Martha — those most in need.

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